

## **REMARKS**

Applicant has amended claims 26, 28, 30-31, 50, 54, 56--57, 59-60, 62, 64-65, and 67-68, and have cancelled claims 25, 27, 29, and 32-49, during prosecution of this patent application. Applicant is not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner indicated claims 50-53 are objected to as being dependent upon an alleged rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant gratefully acknowledges the Examiner's indication of allowable subject matter.

The Examiner objected to the specification.

The Examiner objected to claim 65.

The Examiner rejected claims 54-69 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 54-69 under 35 U.S.C. § 101 because the claimed invention allegedly does not squarely fall within one statutory class of invention.

The Examiner rejected claims 26, 54 and 62 under 35 U.S.C. § 103(a) as allegedly being unpatentable over USP 2004/0002878 to Hinton in view of USP Application Publication 2004/0210767 to Sinclair et al., hereinafter Sinclair.

The Examiner rejected claims 28, 55 and 63 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinton and Sinclair as applied to claims 26, 54 and 62 and in further view of USP Application Publication 2001/0048025 to Shinn.

The Examiner rejected claims 30, 56 and 64 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinton and Sinclair as applied to claims 26, 54 and 62 and in further view of USP Application Publication 2002/0091928 to Bouchard et al., hereinafter Bouchard.

The Examiner rejected claims 31, 57 and 65 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinton and Sinclair as applied to claims 26, 54 and 62 and in further view of USP Application Publication 2004/0107212 to Friedrich et al., hereinafter Friedrich.

Applicant respectfully traverses the specification objection, the claim objection and the § 112, § 101 and § 103 rejections with the following arguments.

### **Specification Objection**

The Examiner objected to the specification.

The Examiner argues: "The specification is objected to because the references, non-patent document 1 and 2 can simply be incorporated by reference into the specification. There is no need for the use of reference linking as seen on page two of the written description.".

In response, Applicant has amended the specification in conformity with the preceding analysis by the Examiner.

Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

**Claim Objection: Claim 65**

The Examiner objected to claim 65.

The Examiner argues: "As per claim 65, it is missing its dependent claim by number. It is assumed 65 is dependent from 62."

In response, Applicant has amended claim 65 to add its dependence on claim 62.

Accordingly, Applicant respectfully requests that the objection to claim 62 be withdrawn.

**35 U.S.C. § 112, Second Paragraph: Claims 54-69**

The Examiner rejected claims 54-69 under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner argues:

“Claims 54-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As per claim 54, it is unclear which aspect of the invention is being claimed. The claim recites a system in the preamble but then discloses a method. As a system claim, the limitations of the method would not be given patentable weight. Only the limitations of the system, namely, a first server and a computer readable storage medium would be given patentable weight. Apparatus claims are distinguishable from the prior art by structure not function. The intended use (the method) is not distinguishable. For this Office Action, Examiner is rejecting the limitations of the method with prior art on the idea that Applicant will properly amend the claim to give those features patentable weight. Claims 55-61 are likewise rejected.

Also claim 54 is rejected for being indefinite with respect to the first server. It is unclear what is intended by recitation, "a first server being comprised by a plurality of servers". The federated environment would comprise the first server and a plurality of servers.

As per claims 62-69, it is similarly rejected for the reasons listed for claim 54 with respect to the claimed aspect of the invention.”

In response, Applicant has amended claims 54-69 to change the form of claims 54-69 in a manner that overcomes the Examiner's basis for rejecting claims 54-69 under 35 U.S.C. 112, second paragraph.

In addition, the phrase "a first server being comprised by a plurality of servers" does not appear in the amended claim 54.

Accordingly, Applicant respectfully requests that the rejected of claims 54-69 under 35 U.S.C. § 112, second paragraph be withdrawn

**35 U.S.C. § 101: Claims 54-69**

The Examiner rejected claims 54-69 under 35 U.S.C. § 101 because the claimed invention allegedly does not squarely fall within one statutory class of invention.

The Examiner argues: “Claims 54-69 are rejected under 35 U.S.C. 101 because the claimed invention is does not squarely fall within one statutory class of invention. Claims 54-61 claim both a system and a process. Claims 62-69 claim both a computer program product (article of manufacturer) and a process.”

In response, Applicant respectfully contends that the amendment herein of claims 54-69 renders the rejection of claims 54-69 under 35 U.S.C. § 101 moot.

Accordingly, Applicant respectfully requests that the rejected of claims 54-69 under 35 U.S.C. § 101 be withdrawn

**35 U.S.C. § 103(a): Claims 26, 54 and 62**

The Examiner rejected claims 26, 54 and 62 under 35 U.S.C. § 103(a) as allegedly being unpatentable over USP 2004/0002878 to Hinton in view of USP Application Publication 2004/0210767 to Sinclair et al., hereinafter Sinclair.

Applicant respectfully contends that claims 26, 54, and 62 are not unpatentable over Hinton in view of Sinclair, because Hinton in view of Sinclair does not teach or suggest each and every feature of claims 26, 54, and 62 .

For example, Hinton in view of Sinclair does not teach or suggest the feature:

“establishing a trusting relationship between the first server and a second server of the plurality of servers, wherein said establishing the trusting relationship comprises exchanging, by the first server, an electronic certificate of the first server with an electronic certificate of the second server in accordance with a Public Key Infrastructure (PKI) method; after said establishing the trusting relationship, obtaining by the first server an authentication policy of the second server, wherein an authentication policy for each server of the plurality of servers is defined as at least one rule of each server for authenticating users of the federated computing environment”.

The Examiner argues:

“Hinton teaches a method for recording server authentication information, comprising:

establishing, by a first server of a plurality of servers in a federated computing environment, a trusting relationship between the first server and a second server of the plurality of servers (0046) wherein said establishing the trusting relationship comprises exchanging, by the first server, an electronic certificate of the first server with an electronic

certificate of the second server in accordance with a Public Key Infrastructure(PKI) method (0047);

after said establishing the trusting relationship, obtaining by the first server an authentication policy of the second server, wherein an authentication policy for each server of the plurality of servers is defined as at least one rule [rule set] of each server for authenticating users of the federated computing environment (0067).”.

In response, based on Hinton, Pars. [0046]-[0047], the Examiner is arguing that the claimed first server is the e-commerce service provider (ECSP) and the claimed second server is the authentication service provider (ANSP), since the ECSP and the ANSP exchange respective electronic certificates in Hinton, Pars. [0046]-[0047].

The Examiner also argues that the “rule set” mentioned in Hinton, Pars. [0067] represents the claimed authentication policy which consists of at least one rule.

Therefore, in order for Hinton to disclose the claimed “obtaining ... an authentication policy of the second server” step, Hinton is required to disclose that the ECSP obtains the rule set from the ANSP.

However, Hinton, Pars. [0067] does not disclose that the ECSP obtains the rule set from the ANSP. Hinton, Pars. [0067] discloses that the member organization in the federated environment responsible for managing the user in the home domain provides the rule set. All that Hinton discloses about the rule set is that it is used “for mapping the vouched-for identities from other domains”. Hinton does not describe the content of the rule set.

Even if the rule set is provided to the ANSP (which is not disclosed by Hinton), Hinton does disclose that ECSP obtains the rule set from the ANSP. Rather, Hinton, Par. 0070] discloses that ECSP obtains a “vouch-for response” from the ANSP, and “the vouch-for response may indicate either a successful authentication or a failed authentication”.

Perhaps the rule set might be utilized by the ANSP to determine the content of the “vouch-for response”, since the rule set is used “for mapping the vouched-for identities from other domains” (Hinton, Par [0067]). However, this does not satisfy the preceding feature of claims 26, 54, and 62 which requires that the rule set, rather than the “vouch-for response”, be received by the ESCP from the ANSP.

Based on the preceding arguments, Applicant respectfully maintains that claims 26, 54, and 62 are not unpatentable over Hinton in view of Sinclair, and that claims 26, 54, and 62 are in condition for allowance.

**35 U.S.C. § 103(a): Claims 28, 55 and 63**

The Examiner rejected claims 28, 55 and 63 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinton and Sinclair as applied to claims 26, 54 and 62 and in further view of USP Application Publication 2001/0048025 to Shinn.

Since claims 28, 55, and 63 respectively depend from claims 26, 54, and 62, which Applicant has argued *supra* to not be unpatentable over Hinton in view of Sinclair under 35 U.S.C. §103(a), Applicant maintains that claims 28, 55, and 63 are not unpatentable over Hinton and Sinclair and in further view of Shinn under 35 U.S.C. §103(a).

**35 U.S.C. § 103(a): Claims 30, 56 and 64**

The Examiner rejected claims 30, 56 and 64 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinton and Sinclair as applied to claims 26, 54 and 62 and in further view of USP Application Publication 2002/0091928 to Bouchard et al., hereinafter Bouchard.

Since claims 30, 56, and 64 respectively depend from claims 26, 54, and 62, which Applicant has argued *supra* to not be unpatentable over Hinton in view of Sinclair under 35 U.S.C. §103(a), Applicant maintains that claims 30, 56, and 64 are not unpatentable over Hinton and Sinclair and in further view of Bouchard under 35 U.S.C. §103(a).

In addition with respect to claims 30, 56, and 64, Hinton and Sinclair and in further view of Bouchard does not disclose the feature:

“wherein said registering the authentication policy of the second server comprises registering the authentication policy of the second server in an authentication policy table of the first server, wherein the authentication policy table of the first server comprises an authentication policy of each server of the plurality of servers registered therein, and wherein the authentication policy table of the first server further comprises:

a server address of each server registered therein; and

a relative priority of each server of a group of servers *having a same authentication policy* in the authentication policy table” (emphasis added).

The Examiner argues:

“As per claims 30, 56, and 64, Examiner supplies the same rationale for combining the registering of the authentication policy of the second server into the first server's authentication policy as recited in the rejection of claim 26. Hinton teaches an authentication policy table where the lists of the other trusted servers are stored (0060). It is inherent that

the address or location to those servers in maintained as well in order to communicate with them. Hinton fails to teach a relative priority of each server of a group of servers having a same authentication policy in the authentication policy table. Bouchard teaches a system in which multiple servers can designate priority to other servers for authentication in order to balance the load of the system (0047). Load balancing in computer networks is well known in the art. Assigning priority to servers is also well known in the art. In a load balancing system, the systems with the least amount of load have the higher priority in determining which server to communicate with. And conversely, those servers which have the highest amount of traffic are the least likely to be requested. Combining known methods in the art and yielding predictable results in within the ordinary capabilities of one of ordinary skill in the art. Therefore the claim is obvious in view of the teachings in the two references. One of ordinary skill could have maintained a priority list to balance the load of the network. If all the servers are able to perform authentication, it is obvious that they can share in those duties so that one is not overwhelmed.”

In response, Applicant respectfully contends that it is not obvious to limit the relative priority of each server of a group of servers *having a same authentication policy ...*”, which the Examiner has not even addressed.

Therefore, claims 30, 56, and 64 are not unpatentable over Hinton and Sinclair and in further view of Bouchard.

**35 U.S.C. § 103(a): Claims 31, 57 and 65**

The Examiner rejected claims 31, 57 and 65 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hinton and Sinclair as applied to claims 26, 54 and 62 and in further view of USP Application Publication 2004/0107212 to Friedrich et al., hereinafter Friedrich.

Since claims 31, 57, and 65 respectively depend from claims 26, 54, and 62, which Applicant has argued *supra* to not be unpatentable over Hinton in view of Sinclair under 35 U.S.C. §103(a), Applicant maintains that claims 31, 57, and 65 are not unpatentable over Hinton and Sinclair and in further view of Friedrich under 35 U.S.C. §103(a).

In addition with respect to claims 31, 57, and 65 , Hinton and Sinclair and in further view of Friedrich does not disclose the feature: “wherein the authentication policy of the second server is identical to an authentication policy of the first server”.

The Examiner argues: “Hinton teaches the authentication policy of the second server is identical to an authentication policy of the first server [servers of the same federated environment; 0011]”.

In response, Applicant recalls that the Examiner argues (in conjunction with claims 26, 54 and 62) that the claimed first server is the e-commerce service provider (ECSP) and the claimed second server is the authentication service provider (ANSP).

Therefore, the preceding feature of claims 31, 57 and 65 requires that Hinton disclose that the authentication policy of the ANSP is identical to an authentication policy of the ECSP.

However, Hinton does not disclose that the authentication policy of the ANSP is identical to an authentication policy of the ECSP.

Therefore, claims 31, 57, and 65 are not unpatentable over Hinton and Sinclair and in further view of Friedrich.

## **CONCLUSION**

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

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